



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

701 S. COURTHOUSE RD

ARLINGTON, VA 22204

[REDACTED] Docket No. 4287-25

Ref: Signature Date

[REDACTED]

Dear Petitioner:

This is in reference to your application for correction of your naval record pursuant to Title 10, United States Code, Section 1552. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your case on its merits. A three-member panel of the Board, sitting in executive session, considered your application on 17 November 2025. The names and votes of the panel members will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of the Board. Documentary material considered by the Board consisted of your application together with all material submitted in support thereof, relevant portions of your naval record, and applicable statutes, regulations, and policies, to include the 25 July 2018 guidance from the Under Secretary of Defense for Personnel and Readiness regarding equity, injustice, or clemency determinations (Wilkie Memo).

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case on the evidence of record.

During your enlistment processing you disclosed pre-service infractions of jay walking and riding a bike with no light. On 18 August 1992, you signed a statement of understanding regarding the Marine Corps policy concerning illegal use of drugs. You enlisted in the U.S. Marine Corps and began a period of active duty on 3 August 1993. On 26 January 1993, you were formally counseled concerning your failure to report to [REDACTED] [REDACTED] traffic court. On 15 July 1996, a Summary Court-Martial (SCM) convicted you of wrongfully using marijuana and sentenced you to restriction for 60 days, forfeiture of \$576.00 pay per month for one month, and reduction in rank to E-1. On 23 July 1996, you received nonjudicial punishment (NJP) for violating a base regulation and going to [REDACTED].

Consequently, you were notified of your pending administrative processing by reason of misconduct due to drug abuse; at which time you waived your right to consult with counsel and to present your case to an administrative discharge board. Your commanding officer (CO) recommended you be discharged with an Other Than Honorable (OTH) characterization of service adding, "During my interview with [Petitioner] he admitted that he used drugs before joining the Marine Corps. His continued use while a Marine resulted from his continued association with the same civilian peer group. He was aware of the Marine Corps' zero tolerance policy for drug use. His repeated use of drugs and his disregard for clearly stated Marine Corps regulations indicate little potential for future honorable service." On 25 September 1996, you were counseled concerning your refusal of treatment for polysubstance dependency. Ultimately, the separation authority accepted the CO's recommendation and you were so discharged.

The Board carefully considered all potentially mitigating factors to determine whether the interest of justice warrant relief in your case in accordance with the Wilkie Memo. These included, but were not limited to, your desire to upgrade your discharge and your contentions that you have medical issues related to military service and would like to obtain Department of Veterans Affairs (VA) benefits to cover the expenses of your therapy sessions as well as all medical exams. Additionally, the Board noted you checked the "Post Traumatic Stress Disorder," and "Other Mental Health" boxes on your application but chose not to respond to the Board's request for supporting evidence of your claims. For purposes of clemency and equity consideration, the Board considered the totality of your application; which consisted solely of your DD Form 149 without any other additional information.

After a thorough review, the Board concluded these potentially mitigating factors were insufficient to warrant relief. Specifically, the Board determined your misconduct, as evidenced by your SCM and NJP, outweighed these mitigating factors. In making this finding, the Board considered the seriousness of your misconduct and the fact that it involved a drug offense. The Board determined that illegal drug use by a service member is contrary to military core values and policy, renders such members unfit for duty, and poses an unnecessary risk to the safety of their fellow service members. The Board also concluded that your conduct showed a complete disregard for military authority and regulations, showed a pattern of misconduct, and was sufficiently pervasive and serious enough to negatively affect the good order and discipline of your command. Additionally, the Board determined that an Honorable discharge was appropriately only if the member's service was otherwise so meritorious that any other characterization of service would be clearly inappropriate. Finally, absent a material error or injustice, the Board declined to summarily upgrade a discharge solely for the purpose of facilitating veterans' benefits, or enhancing educational or employment opportunities.

Therefore, the Board concluded that your discharge was proper and equitable under standards of law and discipline and that the discharge accurately reflects your conduct during your period of service. Even in light of the Wilkie Memo and reviewing the record holistically, the Board did not find evidence of an error or injustice that warrants granting you the relief you requested or granting relief as a matter of clemency or equity. Accordingly, given the totality of the circumstances, the Board determined that your request does not merit relief.

You are entitled to have the Board reconsider its decision upon the submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not

previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity is attached to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

12/2/2025

[REDACTED]